

**BOARD OF SELECTMEN**  
**Minutes of April 6, 2009**

**MEMBERS PRESENT:** Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Roger Hohenberger, Charles McMahon, and Ross McLeod were present, as was Town Administrator David Sullivan. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mr. Sullivan noted that the Annual Easter Egg Hunt had been very well attended, and extended congratulations to Recreation Coordinator Cheryl Haas and the Recreation Committee for a job well done.

**LIAISON REPORTS:** None.

**MINUTES:** Mr. McLeod moved and Mr. Breton seconded to approve the minutes of March 23<sup>rd</sup> as written. Passed unanimously.

Mr. McLeod requested that the minutes of March 30<sup>th</sup> be amended to add that, as part of the blasting agent discussion, he had requested that Chief McPherson while conducting his review of area community fee structures also explore whether various other items related to the blasting process should be further differentiated. He then moved, and Mr. Hohenberger seconded, to approve the minutes as amended. Passed unanimously.

**CORRESPONDENCE:** Bond release/Castle Reach III: After a brief discussion and explanation by Mr. Sullivan, Mr. McMahon moved and Mr. McLeod seconded to release the bond in the amount of \$11,538, retaining \$29,208, to Castle Reach Development LLC. Passed unanimously.

*Letter received* from Fire Chief Thomas McPherson, advising that Lieutenant Timothy Dunn had recently been certified as a Personal Fitness Trainer by the Aerobics and Fitness Association of America. Lt. Dunn is assigned as the Department's Physical Fitness Coordinator, and has begun individual programs with the members to introduce healthier nutrition and routine exercise into their daily schedules with the hope of reducing work related injuries and improving their overall health. Mr. Stearns extended his congratulations to Lt. Dunn, and those sentiments were echoed by the remainder of the Board.

**BLASTING AGENT:** Chief McPherson advised the Board that, since the previous week's meeting, he had consulted with Town Counsel regarding the blasting documents drafted by the Department. He noted that Atty. Campbell had made some minor changes to the drafts, and concurred overall with the Department plan. Chief McPherson advised that the Department is ready to assume the blasting duties, and requested May 1<sup>st</sup> be established as the official start date of the change. He further noted that training in basic blasting knowledge for the firefighters will be incorporated into the Department's normal training schedule.

Mr. McLeod noted what he believed to be a typographical error in the blasting ordinance under Section VII A) 2, in that he believed it should read "more than 4000...cubic yards". Discussion ensued regarding the adoption of this ordinance at Town meeting, and whether this constituted a typographical error which could be changed without benefit of a further Town meeting vote.

Mr. McLeod then noted Section IV A), and inquired where the Department would be taking measurements from. Chief McPherson noted that the Department will not be measuring, rather, this pertained to the blaster's responsibilities. The Chief noted that the Department will document resident reports, but will not involve itself in litigation matters. Mr. McLeod inquired whether the distance at which the measurement was taken would be recorded, to which Chief McPherson responded in the affirmative.

Mr. Stearns inquired whether the Department would receive and review blasting reports, to which the Chief responded in the affirmative. Mr. Stearns then inquired about the Department's response in the event that permitted levels are exceeded. Chief McPherson noted that staff will visit the site and if a violation of the Ordinance is found it will be addressed accordingly.

Discussion then moved to the Chief's review of surrounding town's blasting fees, and he noted that Windham's seemed to be well within reason. He requested, however, that the Board consider adding fees for site details, as a mechanism needs to be in place to recoup the Town's costs for stand by details, etc. He proposed the Board consider the following: \$50/hour/firefighter; and an additional fee of \$90/hour if an engine is required, or \$35/hour if the forestry truck is needed. Chief McPherson explained that these are the same fees currently in use by FEMA.

Mr. Stearns inquired whether a minimum number of personnel would be required, and the Chief replied that a minimum of two (2) would respond with the engine, and a minimum of one (1) with the forestry vehicle, noting the final figure would be dependent upon the site of the blast and similar factors.

Mr. McMahan moved and Mr. McLeod seconded to accept the fee schedule as proposed, and move forward to post it for public hearing. Mr. Sullivan clarified that only the detail fees would be posted, and the Chief concurred. Motion passed unanimously.

Mr. McMahan then moved and Mr. McLeod seconded to approve the assignment of blasting agent to the Fire Department effective May 1, 2009.

Discussion ensued regarding assistance to the Town Planner in the interim, which Chief McPherson indicated the Department is willing to provide, and whether the motion should be more specific.

Mr. McMahan amended his motion, and Mr. McLeod his second, to state the Fire Chief or his designee as opposed to the "Fire Department". Motion passed unanimously as amended.

*Mr. Sullivan* advised the Board that the Department of Transportation has agreed to install the median break along the by-pass to allow for public safety vehicle access to #44-50 Range Road. Mr. Sullivan explained that the agreement drafted requires that the break be installed by the State, and the snow removal and replacement of collapsible signage be the Town's responsibility.

After a brief discussion, Mr. McMahan moved and Mr. McLeod seconded to approve the agreement as drafted and authorize the Chair to execute. Passed unanimously.

**HIGHWAY AGENT:** Mr. McCartney explained that the third year options for roadside mowing, street sweeping, and crack sealing were all due for consideration, and that the final option for basin cleaning has expired. Mr. McCartney noted the following prices for these projects and requested the Board exercise the available options to continue: sweeping, \$73/hour; mowing \$50/hour; and crack sealing \$3,350/pallet. He also advised the Board that the latest basin cleaning vendor has expressed a willingness to hold his last bid price of \$13.50/basin, and requested that the Board waive the bid process.

Discussion ensued regarding any financial benefits to waiving/continuing these items versus re-bidding.

Mr. McMahan moved to waive the bid process for the basin cleaning and remain with the current vendor. There was no second.

Mr. Hohenberger then moved and Mr. Breton seconded to place the basin cleaning out to bid. Passed 4-1, with Mr. Stearns opposed.

Mr. McMahan then moved and Mr. McLeod seconded to exercise the available options on street sweeping, roadside mowing, and crack sealing as recommended by the Highway Agent.

Mr. Hohenberger expressed concerns that, with the state of the economy, lower prices for these service might be obtained if bid. Discussion ensued regarding the last round of bids received and the level of service provided by the current vendors.

Motion passed 3-2, with Mr. Hohenberger and Mr. Breton opposed.

**SALT REDUCTION RESOLUTION:** Stormwater Committee Chairperson David Poulson approached to request that the Board consider adoption of a Salt Reduction Resolution, which is required in order to qualify for federal salt reduction grant funding. Mr. Poulson explained that, in addition to the resolution, an action plan must be formulated relative to the Town's salt reduction strategy, and then both documents must be submitted to the Salt Reduction Steering Committee for review prior to funds being allocated. Mr. Poulson noted that based on the DES's salt load allocation formula, Windham could receive \$57,250 in grant funds, representing 80% of a matching grant.

Mr. Hohenberger inquired whether the Town would be held to the expected percentages of salt reduction regardless of any grant funding, those being 24.3% for Dinsmore Brook, and 39.6% for the North Tributary to Canobie Lake. Mr. Poulson replied in the affirmative.

Discussion ensued regarding the already low percentage of salt utilized by the Highway Agent, means to monitor the reduction, and future requirements upon the Town, if any. Mr. Poulson indicated there will be continuous monitoring of the two tributaries, and that a memorandum of agreement with the State to reduce salt use will be needed. Mr. Poulson then noted that Mr. McCartney is already reducing our impacts by mixing sand/salt, and that such a mix is unusual along the I-93 corridor.

Mr. Stearns inquired what the estimated time was for diminishment of the chloride through salt reduction. Mr. Poulson noted that chloride removal is a slow process and, although NH soil offers good percolation, basin areas such as these cannot flush themselves of chloride naturally like streams can.

After further, brief discussion regarding the grant requirements, impaired areas, and funding available, Mr. McMahon moved and Mr. McLeod seconded to approve and accept the Salt Reduction Resolution for signature by the Board. Passed unanimously.

*Mr. Stearns* inquired whether the new Transfer Station Mack had arrived, to which Mr. Poulson replied in the affirmative noting it was a great purchase.

*Mr. Poulson* noted that 22+/- tons of electronics had been collected at the recent free drop-off event at Center School, and that he hoped to arrange another in the Fall.

*Mr. Sullivan* noted that the old landfill had been very busy on the first two days of the storm debris drop-off hours. He then advised that additional days had been set on Wednesday April 8<sup>th</sup> and Saturday April 11<sup>th</sup> from 11AM to 3PM.

Mr. Hohenberger inquired about the debris removal that he had recently seen advertised for bids. Mr. McCartney explained that clean-up of the Town's rights-of-way can be submitted to FEMA for reimbursement only if the service has been placed out to bid. He then reiterated that the Town will not be cleaning-up private property.

**OLD/NEW BUSINESS:** Mr. Sullivan requested that the Board consider their annual liaison appointments for discussion at the next meeting. He then advised that vacant committee positions will soon be posted for, as well.

*Mr. McMahon* then advised the Board of concerns he had regarding HB426, the Homestead Plan, which had recently been tabled by the legislature. He noted that this was being proposed as new means to fund education, and that it could be re-addressed by the House in the future. Mr. McMahon explained that, if passed as proposed, the law would result in a \$2.75/thousand increase to Windham's tax rate.

Discussion then moved to HB532, which proposes removal of detail/special contracted services pay from retirement pension calculations for public safety personnel. It was the consensus of the Board that a letter be drafted to Senator Letourneau urging his support of this legislature. Mr. Sullivan will follow-up.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. McMahon seconded to enter into a non-public session in accordance with RSA 91-A:3-II c, and e. Roll call vote – all members “yes”. The topics of discussion were reputations and legal and the Board, Mr. Sullivan, and Ms. Devlin were in attendance in all sessions.

*Mr. Sullivan* advised the Board of a potential legal matter. It was consensus of the Board to take no action at this time.

*Mr. Sullivan* updated the Board on an ongoing legal matter. No decisions were made.

*Mr. Sullivan* discussed a reputations matter pertaining to property taxes with the Board.

Mr. McMahon moved and Mr. Breton seconded to advise the property owner that the Board was willing to delay the matter for one year, however, if the owner fails to respond by April 10<sup>th</sup>, a tax bill with appropriate interest will be issued. Passed 4-1, with Mr. McLeod opposed.

*Mr. Hohenberger* moved and Mr. McLeod seconded to adjourn. Passed unanimously.

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

*Note: These minutes are in draft form and have not been submitted to the Board for approval.*